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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,525	08/31/2000	Gregory L. Slaughter	5181-64700	4653

7590 08/23/2004

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EXAMINER

PAULA, CESAR B

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/653,525

Applicant(s)

SLAUGHTER ET AL.

Examiner

CESAR B PAULA

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-10, 19-23, 25-30, 32-37, and 39-41 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 4, 11, 18, 24, 31 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

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DETAILED ACTION

1. This action is responsive to the amendment filed on 5/10/2004.
2. Claims 1-41 are pending in the case. Claims 1, 15, and 28, are independent claims.

Drawings

3. The drawings filed on 8/31/2000 have been approved by the examiner.

Claim Rejections - 35 USC § 101

4. Appropriate corrections have been made to claims 28-41, therefore the 35 USC 101 rejections have been withdrawn.

Conclusion

5. This application is in condition for allowance except for the following formal matters:
6. Claim 4 recites: "the creating the second space" in lines 2-3. There is a grammatical error in this phrase, which is better written as "the creating of the second space". Appropriate correction is required.

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7. Claim 11 recites: “accessing the first space at a first address to a storage facility”, “the creating the second space comprises creating a second address to the storage facility”, and “the accessing the second space” in lines 2-3, 4, and 6 respectively. There are grammatical errors in these phrases, which are better written as: “accessing the first space at a first address in a storage facility” “the creating of the second space comprises creating a second address in the storage facility”, and “the accessing of the second space”. Appropriate correction is required.

8. Claim 18 recites: “the creating the second space” in lines 2-3. There is a grammatical error in this phrase, which is better written as “the creating of the second space”. Appropriate correction is required.

9. Claim 24 recites: “to access the first space at a first address to a storage facility”, and “to access the second space at the second address to the storage facility” in lines 2-3, and 6-7 respectively. There are grammatical errors in these phrases, which are better written as “to access the first space at a first address in a storage facility”, and “to access the second space at the second address in the storage facility”. Appropriate correction is required.

10. Claim 31 is objected to because of the following informalities: “the creating the second space” in lines 2-3. There is a grammatical error in this phrase, which is better written as “the creating of the second space”. Appropriate correction is required.

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11. Claim 38 recites: “accessing the first space at a first address to a storage facility”, “to implement creating a second address to the storage facility”, and “accessing the second space at the second address to the storage facility” in lines 3-4, 6-7 and 9-10 respectively. There are grammatical errors in these phrases, which are better written as “accessing the first space at a first address to a storage facility”, “to implement creating a second address to the storage facility”, and “accessing the second space at the second address to the storage facility”. Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

I. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (703) 306-5543 ((571) 272-2148 as of 10/12/04). The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (703) 308-5465 ((571) 272-4124 as of 10/12/04). However, in such a case, please allow at least one business day.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this Action should be mailed to:

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

- (703) 703-872-9306, (for all Formal communications intended for entry)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).



CESAR B PAULA

Patent Examiner

Art Unit 2178

8/19/04

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